

MICHAEL B. LEE, ESQ.
Nevada Bar No. 10122
MICHAEL B. LEE, P.C.
1820 E. Sahara Avenue, Ste. 110
Las Vegas, Nevada 89104
Telephone: (702) 477-7030
Facsimile: (702) 477-0096
mike@mblnv.com

In Association with:

JUDE E. NAZARETH, ESQ.
Nevada State Bar No. 10695
MONTEZ NAZARETH LAW.
7925 W. Russell Rd. # 401506
Las Vegas, Nevada 89140
Telephone: (702) 948.7474
Facsimile: (702) 948.7474
jedward@mnlawnv.com

Attorneys for Plaintiff
VIRGILIA PENARIJO

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VIRGILIA PENARIJO, an individual,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC.; THE
BANK OF NEW YORK MELLON (FKA
THE BANK OF NEW YORK) AS TRUSTEE
FOR THE HOLDERS OF AMERICAN
HOME MORTGAGE INVESTMENT TRUST
2004-4; and WESTERN PROGRESSIVE-
NEVADA, INC., as Trustee for Beneficiary,

Defendants.

Case No: 2:17-cv-02121-RFB-PAL

**STIPLUATION AND ORDER TO
EXTEND BREIFING SCHEDULE**

STIPLUATION AND ORDER TO EXTEND BREIFING SCHEDULE

Plaintiff VIRGILIA PENARIJO (“Plaintiff” or “Penarijo”), appearing by and through her attorneys, MICHAEL B. LEE, P.C. and MONTEZ NAZARETH LAW., and Defendants OCWEN LOAN SERVICING, LLC (“OLS”), THE BANK OF NEW YORK MELLON (FKA THE BANK OF NEW YORK) AS TRUSTEE FOR THE HOLDERS OF AMERICAN HOME MORTGAGE INVESTMENT TRUST 2004-4 (“Bank of New York”), and WESTERN

1 PROGRESSIVE NEVADA, INC. ("WPN") (OLS, Bank of New York, and WPN are
2 collectively referred to as "Defendants"), appearing by and through their attorneys, WRIGHT,
3 FINLAY, & ZAK, LLP, based on the following information:

4 1. On or about August 13, 2018, the Parties filed a Joint Status Report for this matter
5 (ECF No. 37). Therein, the Parties requested a 90 day extension to the August 13, 2018 status
6 check related to the requested short sale of the subject real property. *Id.* at 3:12-20.

7 2. On January 22, 2019, this Honorable Court issued a Minute Order that:

8 the parties shall have until February 19, 2019 to file a stipulation to
9 dismiss if they have settled. If the parties have not settled
10 defendants shall have until February 19, 2019 to refile motions to
11 dismiss which were pending and set for hearing and vacated when
the parties filed their Notice of Settlement. Signed by Magistrate
Judge Peggy A. Leen on 1/18/2019. (Copies have been distributed
pursuant to the NEF - MMM)

12 3. On February 13, 2019, the Parties filed their Joint Status report stating that:

13 On September 21, 2018, Ocwen approved Ms. Penarijo's request
14 for a short sale under the terms acceptable to Ocwen. Ms. Penarijo
15 received short sale approval from the second lender on the subject
real property. Plaintiff secured a buyer for the subject real
property, and the property is set to close on March 23, 2019.

16 (ECF No. 39).

17 4. As no minute order granting an extension for Defendants to file their motions to
18 dismiss, Defendants, out of an abundance of caution, filed their Motion to Dismiss (ECF No. 40)
19 and their Motion for Judicial Notice (ECF No. 41) on February 19, 2019. However, Defendants
20 only filed to preserve the Motions, but have the expectation that this matter will resolve by way
21 of the short sale.

22 5. Plaintiff's Opposition is due in normal course on or before **March 5, 2019**, but
23 the Parties stipulated and agreed to provide Plaintiff with an extension to file the Responses on or
24 before April 8, 2019 as a matter of judicial efficient to and reduce the costs related thereto as
25 both Parties expect this matter to resolve by way of the short sale set to close on March 23, 2019.

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